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TERMED

**U.S. District Court
Southern District of Iowa (Central)
CRIMINAL DOCKET FOR CASE #: 4:24-mj-00374-HCA-1**

Case title: USA v. Moss

Date Filed: 08/08/2024

Other court case number: 1:24-cr-66-DRC Southern District of
Ohio

Date Terminated: 08/16/2024

Assigned to: Magistrate Judge Helen C.
Adams

Defendant (1)

Philip Colt Moss
TERMINATED: 08/16/2024

represented by **Nova Danielle Janssen**
FEDERAL PUBLIC DEFENDERS
OFFICE
400 LOCUST STREET
SUITE 340
DES MOINES, IA 50309-2353
515-309-9610
Fax: 515-309-9625
Email: nova_janssen@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Mackenzi Nash
FEDERAL PUBLIC DEFENDERS
OFFICE
400 LOCUST STREET
SUITE 340
DES MOINES, IA 50309-2353
515-309-9610
Email: mackenzi_nash@fd.org
TERMINATED: 08/09/2024
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

18:371 Conspiracy to Create and Distribute
Animal Crush Videos (1); 18:48(a)(3)
Distribution of Animal Crush Video (8)

Disposition**Plaintiff**

USA

represented by **MacKenzie Benson Tubbs**
UNITED STATES ATTORNEY'S OFFICE
- DSM
210 WALNUT STREET
SUITE 455
DES MOINES, IA 50309
515-473-9345
Email: mackenzie.benson.tubbs@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Government - Federal

Mikaela J. Shotwell
UNITED STATES ATTORNEY'S OFFICE
- DSM
210 WALNUT STREET
SUITE 455
DES MOINES, IA 50309
515-473-9300
Email: mikaela.shotwell@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Government - Federal

Date Filed	#	Docket Text
08/08/2024		Arrest (Rule 5.c.3) of Philip Colt Moss from charges pending in District of Southern District of Ohio. (mrc) (Entered: 08/08/2024)
08/08/2024	<u>1</u>	Rule 5(c)(3) Documents Received as to Philip Colt Moss from the Southern District of Ohio. (mrc) (Entered: 08/08/2024)
08/08/2024	<u>2</u>	Arrest Warrant received from Southern District of Ohio as to Philip Colt Moss. (mrc) (Entered: 08/08/2024)
08/08/2024	3	TEXT ORDER as to Philip Colt Moss. Initial Appearance - Rule 5(c)(3) set for 8/8/2024 01:30 PM in Des Moines - Room 455 - 4th Floor South before Magistrate Judge William P.

		Kelly. Signed by Magistrate Judge William P. Kelly on 8/8/2024. (mrc) (Entered: 08/08/2024)
08/08/2024	4	Minute Entry for proceedings held before Magistrate Judge William P. Kelly: Initial Appearance in Rule 5(c)(3) Proceedings as to Philip Colt Moss held on 8/8/2024. Detention and Identity Hearing set for 8/13/2024 at 02:00 PM in Des Moines - Room 455 - 4th Floor South before Magistrate Judge William P. Kelly. (Court Reporter Kelli Mulcahy.) (kmp) (Entered: 08/08/2024)
08/08/2024	5	ORDER FOR APPOINTMENT OF COUNSEL as to Philip Colt Moss. Signed by Magistrate Judge William P. Kelly on 8/8/2024. (kmp) (Entered: 08/08/2024)
08/08/2024	6	RULE 5 ORDER as to Philip Colt Moss. Signed by Magistrate Judge William P. Kelly on 8/8/2024. (kmp) (Entered: 08/08/2024)
08/08/2024	7	ORAL MOTION for Detention by USA as to Philip Colt Moss. (kmp) (Entered: 08/08/2024)
08/08/2024	8	ORDER OF TEMPORARY DETENTION AND SCHEDULING IDENTITY AND DETENTION HEARING as to Philip Colt Moss. Identity and Detention Hearing set for 8/13/2024 at 02:00 PM in Des Moines - Room 455 - 4th Floor South before Magistrate Judge William P. Kelly Signed by Magistrate Judge William P. Kelly on 8/8/2024. (kmp) (Entered: 08/08/2024)
08/09/2024	9	NOTICE OF ATTORNEY APPEARANCE MacKenzie Benson Tubbs appearing for USA. (Tubbs, MacKenzie) (Entered: 08/09/2024)
08/09/2024	10	Pretrial Services Report as to Philip Colt Moss. (Davidson, Priscilla) (Entered: 08/09/2024)
08/09/2024	11	NOTICE OF ATTORNEY APPEARANCE: FPD Nova Danielle Janssen appearing for Philip Colt Moss (Janssen, Nova) (Entered: 08/09/2024)
08/09/2024	12	CJA 23 Financial Affidavit as to Philip Colt Moss. (Janssen, Nova) (Entered: 08/09/2024)
08/13/2024	13	Minute Entry for proceedings held before Magistrate Judge William P. Kelly: Identity Hearing as to Philip Colt Moss held on 8/13/2024. Identity Hearing Waived by Defendant. (Court Reporter Kelli Mulcahy.) (kmp) (Entered: 08/13/2024)
08/13/2024	14	Minute Entry for proceedings held before Magistrate Judge William P. Kelly: Detention Hearing as to Philip Colt Moss held on 8/13/2024. (Court Reporter Kelli Mulcahy.) (kmp) (Entered: 08/13/2024)
08/13/2024	15	ORDER SETTING CONDITIONS OF RELEASE and denying 7 Oral Motion for Detention by USA as to Philip Colt Moss (1). U.S. Probation Office to obtain Defendant's signature and signature of 3rd Party Custodian before release. Signed by Magistrate Judge William P. Kelly on 8/13/2024. (kmp) (Main Document 15 replaced on 8/14/2024) (mrc). (Entered: 08/13/2024)
08/13/2024	16	ORDER REQUIRING A DEFENDANT TO APPEAR IN CHARGING DISTRICT as to Philip Colt Moss. Signed by Magistrate Judge William P. Kelly on 8/13/2024. (kmp) (Entered: 08/13/2024)
08/13/2024	17	TRANSFER LETTER from Southern District of Iowa to Southern District of Ohio as to Philip Colt Moss. Attached Letter and CJA Affidavit sent via email to the Southern District of Ohio. (kmp) (Entered: 08/13/2024)
08/13/2024	18	ELECTRONIC EXHIBITS <i>re: Detention Hearing</i> as to Philip Colt Moss (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Tubbs, MacKenzie) (Entered: 08/13/2024)

08/14/2024	19	Motion to Stay 15 <i>Order Setting Conditions of Release pending appeal</i> by USA as to Philip Colt Moss. Responses due by 8/21/2024. (Tubbs, MacKenzie) (Entered: 08/14/2024)
08/14/2024	20	NOTICE from the Southern District of Ohio Acknowledging Receipt of Transfer as to Philip Colt Moss. (kmp) (Entered: 08/14/2024)
08/14/2024	21	TEXT ORDER granting 19 Government's Motion to Stay Order of Release Pending Appeal as to Philip Colt Moss. The release of Defendant from custody of the U.S. Marshals Service shall be STAYED pending review by a District Court of the Order of Release 15 , pursuant to Title 18, United States Code, Section 3145. Signed by Magistrate Judge William P. Kelly on 8/14/2024. (djs) (Entered: 08/14/2024)
08/15/2024	22	ELECTRONIC EXHIBITS <i>Supplemental</i> as to Philip Colt Moss re 14 Detention Hearing, 18 ELECTRONIC EXHIBITS (Janssen, Nova) (Entered: 08/15/2024)
08/15/2024	23	Defendant's and Third Party Custodian's Acknowledgment of Conditions of Release re 15 Order on Motion for Detention, as to Defendant Philip Colt Moss. (tae) (Entered: 08/15/2024)
08/16/2024	24	COMMITMENT TO ANOTHER DISTRICT as to Philip Colt Moss. Defendant committed to District of Southern District of Ohio. Signed by Magistrate Judge William P. Kelly on 8/16/2024. (kmp) (Entered: 08/16/2024)
08/18/2024	25	TRANSCRIPT of Proceedings as to Philip Colt Moss re 14 Detention Hearing held on August 13, 2024 before Judge William P. Kelly. Page No(s): 1 - 57. Court Reporter Kelli Mulcahy, Telephone number (515)284-6219. Transcript may be viewed at court public terminal or purchased through Court Reporter before deadline for Release of Transcript Restriction. After that date it may be obtained through court reporter, Clerk's Office, or PACER. Redaction Request due 9/12/2024. Redacted Transcript Deadline set for 9/23/2024. Release of Transcript Restriction set for 11/21/2024. (kmm) (Entered: 08/18/2024)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI

UNITED STATES OF AMERICA,
Plaintiff,

v.

NICHOLAS T. DRYDEN,
a/k/a "Niko Bellic,"
GIANCARLO MORELLI, and
PHILIP COLT MOSS,

Defendants.

CASE NO.

1:24CR-066

JUDGE

J. COLE

INDICTMENT

18 U.S.C. § 371

18 U.S.C. § 1466A(a)

18 U.S.C. § 48(a)(2)

18 U.S.C. § 48(a)(3)

18 U.S.C. § 2

THE GRAND JURY CHARGES:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. The term "animal crushing" meant actual conduct in which one or more living non-human mammals, birds, reptiles, or amphibians were purposely crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury (as defined in 18 U.S.C. § 1365 and including conduct that, if committed against a person and in the special maritime and territorial jurisdiction of the United States, would violate 18 U.S.C. §§ 2241 or 2242 (relating to aggravated sexual abuse and sexual abuse, respectively)). 18 U.S.C. § 48(f)(1).

2. Defendant **NICHOLAS T. DRYDEN a/k/a "Niko Bellic"** was a resident of Ohio.

3. Defendant **GIANCARLO MORELLI** was a resident of New Jersey.

4. Defendant **PHILIP COLT MOSS** was a resident of Iowa.

COUNT 1
(Conspiracy to Create and Distribute Animal Crush Videos)

5. Paragraphs 1 through 4 of the Indictment are incorporated herein.

6. Beginning on an unknown date but no later than on or about March 12, 2023, and continuing through at least on or about April 22, 2023, in the Southern District of Ohio and elsewhere, the defendants, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic,” GIANCARLO MORELLI**, and **PHILIP COLT MOSS** did unlawfully and knowingly combine, conspire, confederate, and agree with each other and with other persons whose identities are known and unknown to the Grand Jury, to commit the following objects of the conspiracy:

Objects of the Conspiracy

- A. To knowingly create and cause the creation of animal crush videos outside of the United States, for distribution and transportation to the United States, in or using a means and facility of interstate and foreign commerce, all in violation of Title 18, United States Code, Sections 48(a)(2) and (b); and
- B. To knowingly sell, market, advertise, exchange, and distribute animal crush videos within the United States, in or using a means and facility of interstate and foreign commerce, in violation of Title 18, United States Code, Sections 48(a)(3) and (b).

Manner and Means

7. The manner and means used to accomplish the objectives of the conspiracy included, among others, the following:

- a. It was part of the conspiracy for defendants **NICHOLAS T. DRYDEN a/k/a “Niko Bellic,” GIANCARLO MORELLI, PHILIP COLT MOSS**, and co-conspirators to administer and engage in private online group and one-on-one chats on encrypted messaging applications, the purposes of which were to view, discuss,

b. It was part of the conspiracy for defendants **GIANCARLO MORELLI**, **PHILIP COLT MOSS**, and co-conspirators, to send funds electronically to defendant **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** for the purpose of funding the creation of, and purchasing, graphic videos depicting, among other things, the torture, murder, sexually sadistic mutilation, and sexual abuse of animals, specifically baby and adult monkeys.

d. It was further part of the conspiracy for the videographers to electronically distribute and transport the resulting videos to defendant **NICHOLAS T. DRYDEN a/k/a “Niko Bellic,”** who resided in the Southern District of Ohio.

3

Overt Acts

8. In furtherance of the conspiracy, and to effect and accomplish its objectives, defendant **NICHOLAS T. DRYDEN a/k/a “Niko Bellic,” GIANCARLO MORELLI, PHILIP COLT MOSS**, and other co-conspirators committed one or more of the following overt acts:

Overt Act 1. On or about April 3, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic,”** sent the following message¹ to Videographer 1 (VO1), a minor living in Indonesia, on WhatsApp, an encrypted messaging application: “If you have your ID, there is 300 dollars waiting for you at the Western Union near you. I should give you the tracking.”

Overt Act 2. On or about April 4, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** sent the following message to VO1 on WhatsApp: “Listen. I’m new at this too. I don’t feel good knowing this bank account is tied to our government’s name.”

Overt Act 3. On or about April 4, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** sent the following messages to VO1 on WhatsApp:

DRYDEN: If you want to continue doing business with me, we need to find a new way to send money. When will you turn 18 years old?”

...

DRYDEN: We can use it from now on if you want, if it works this time good luck and then when you are 18 years old if we’re still going business together, but I strongly suggest that you use your own bank account

¹ Note: messages between DRYDEN and VO1 have been translated from Indonesian to English by a certified translator.

Overt Act 4. On or about April 4, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** sent the following message to VO1 on WhatsApp: “Don’t send the link to anyone or both of us will get caught.”

Overt Act 5. On or about April 5, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** sent the following message to VO1 on WhatsApp: “Just be honest with you, bro, we should use Bitcoin or something like that since from the beginning, this shit is not the most legal thing.”

Overt Act 6. On or about April 5, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** sent the following message to VO1 on WhatsApp: “Name = Nicholas Dryden. Date of birth = [Redacted]”

Overt Act 7. On or about April 6, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** sent the following message to VO1 on WhatsApp: “If you want to make more money with me, we should buy a baby monkey.”

Overt Act 8. On or about April 7, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** and VO1 exchanged the following messages on WhatsApp:

DRYDEN: Bottom line, brother. Tell me if you could make the video tonight. Get an ordinary baby with a long tail and if you can, please try to make a good video tonight.

VO1: Oaky, I will try.

VO1: Now.

VO1: I asked the monkey seller to deliver the baby monkey now.

DRYDEN: Okay get the smallest and healthiest and when you get it, let me know. Please let me send a short video. Customers have been waiting for too long, we have to please them.

DRYDEN: Okay bro. I'm going to send you some ideas. Let's make good money again.

...

DRYDEN: So, this is the best video that you have ever made. I don't care. Go ahead and kill it. I'll buy another one tomorrow.

Overt Act 9. On or about April 7, 2023, **NICHOLAS T. DRYDEN a/k/a "Niko Bellic"** sent the following messages to VO1 on WhatsApp:

DRYDEN: Yes, I'm taking up your time easily, brother. Don't rush it. Don't rush it.

...

DRYDEN: I'm...I'm happy, not angry with you, I have no complaints. You did an amazing thing, protect it.

...

DRYDEN: Bro, you're, you're a cool guy. Cool friend. We make more money by producing.

Overt Act 10. On or about April 8, 2023, in the Southern District of Ohio, **NICHOLAS T.**

DRYDEN a/k/a "Niko Bellic" received an animal crush video electronically from VO1. The video is approximately 30 minutes and 20 seconds long. It initially depicts a piece of paper with the words "Niko Bellic" written across it. The video then depicts various acts of torture being performed by VO1 upon a juvenile monkey, including burning the genitals and anus of the monkey.

Overt Act 11. On or about April 9, 2023, **NICHOLAS T. DRYDEN a/k/a "Niko Bellic"** and VO1 exchanged the following messages on WhatsApp:

DRYDEN: Can you get a very small, long tail² today? The smallest one that you could find.

VO1: I'll find it for you today.

DRYDEN: And for some reason customers want you to put diapers on a monkey. I don't like this customer, but he pays well.

...

DRYDEN: Okay don't worry about the APE today. Only get a long tailed. This customer is asking you to put diapers on a baby monkey and get the smallest diapers you can find. This customer is the best.

DRYDEN: He pays the most. So, it will be good to do what he says. He also sent me some ideas too. Tell me the approximate time when the baby monkey will arrive and when the video is ready.

Overt Act 12. On or about April 10, 2023, **NICHOLAS T. DRYDEN a/k/a "Niko Bellic"** sent the following message to VO1 on WhatsApp: "When making the video, make the other one watch the other monkey getting tortured."

Overt Act 13. On or about April 10, 2023, **NICHOLAS T. DRYDEN a/k/a "Niko Bellic"** sent the following messages to VO1 on WhatsApp:

DRYDEN: Send me a photo of the second baby.

DRYDEN: He said he wants you to put diapers on it. I don't know why. But this is what he asked for

DRYDEN: He is weird.

DRYDEN: He kept asking me that.

² Note: a long-tailed macaque is a species of primate native to southeast Asia.

Overt Act 14. On or about April 11, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** and **GIANCARLO MORELLI** exchanged the following messages on Telegram, an encrypted messaging and chat application:

DRYDEN: U want it for 75

DRYDEN: I'll do 65

...

MORELLI: Sent

DRYDEN: Did u get it

MORELLI: I'm trying to get it to download

...

MORELLI: I just finished the first one. I gotta say, wasn't one of his best ones.

He spent too much time with the diaper problem. He did beat the shit out of it tho. To only beat the shit out of them is good if they are a little older or if it's a pigtail.³ This way they fight back a little you know? I had an idea. You know how he's always getting females. You how everyone hates the damn mudflaps⁴ they have? Why doesn't he cut open a mudflap in a video to see what's in there? Lol

...

DRYDEN: Yea ur right. And as the top person who contributes I will make that happen in the next video for you and I really appreciate the advice man. I geuss tonight is mudflap madness

³ Note: the southern pig-tailed macaque and northern pig-tailed macaque are species of primate native to southeast Asia

⁴ Note: “mudflap” is a slang term for genitalia.

Overt Act 15. On or about April 12, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** sent the following messages to VO1 on WhatsApp:

DRYDEN: Be creative with the next one. Pull his tongues as far as you can with pliers. Put his feet in boiling water, cut off his ears and set his head on fire with a lighter

...

DRYDEN: Dress him in yellow clothes and be nice to it first by feeding him with the bottle.

...

DRYDEN: Go ahead and surprise me. Be creative. I want to see how creative you are.

Overt Act 16. On or about April 12 and 13, 2023, **NICHOLAS T. DRYDEN** a/k/a “**Niko Bellic**” and VO1 exchanged the following messages on WhatsApp:

DRYDEN: Okay. How was your day? Please make a good video. Dress it in yellow again. At the beginning, be nice to the monkey, feed it with a bottle, and then whip it for no reason.

...

DRYDEN: And below "Niko Bellic" write "[Redacted] Is A Snitch,"

DRYDEN: Make sure that you write “[Redacted] is a snitch.” Don’t forget to do that and wear the yellow outfit.

DRYDEN: Is everything okay? What time will the video be released so that I can tell the customer?

DRYDEN: Can you tell me something brother?

DRYDEN: The buyer will cancel

VO1: I'll make it now.

Overt Act 17. On or about April 13, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”**

received an animal crush video electronically from VO1. The video is approximately 19 minutes and 16 seconds long. It initially depicts a piece of paper sitting on a wire cage with the words “Niko Bellic” and “[Redacted] is a Snitch” written across it. The video then depicts various acts of torture being performed by VO1 upon a baby monkey in a yellow wrapping, including burning the genitals and anus of the monkey.

Overt Act 18. On or about April 13, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** sent the following message to VO1 on WhatsApp: “Okay. Thank you, bro. Tomorrow. We buy another 2. Let’s see how these videos work.”

Overt Act 19. On or about April 13, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** and **GIANCARLO MORELLI** exchanged the following messages on Telegram:

DRYDEN: 3 part series coming to DVD at a block buster near u

MORELLI: Nice

DRYDEN: Is it good

MORELLI: I’m waiting till I get home, can’t really watch it at work Lmao

MORELLI: I’m going to be a little honest. He needs to get a little bit better rats.⁵

These are like dollar store rats. They don’t last at all. This one barely got a beating and it’s lifeless. I don’t know if it’s bc they are females. But damn. It seems like on the hard torture/kill vids, they tap out quick as hell

DRYDEN: Yea ur right bro. But I thought the second one was pretty fuckin tough

DRYDEN: The first one was a bitch

⁵ Note: a slang term for monkeys.

MORELLI: I haven't watched the second one yet

MORELLI: I'm moving on to that one

Overt Act 20. On or about April 13, 2023, **GIANCARLO MORELLI** sent messages to

NICHOLAS T. DRYDEN a/k/a "Niko Bellic" on Telegram proposing multiple prepaid debit cards that did not to require a Social Security number.

Overt Act 21. On or about April 13, 2023, **NICHOLAS T. DRYDEN a/k/a "Niko Bellic"** sent the following message to VO1 on WhatsApp: "Okay I will send the money. In a few hours, get another baby monkey."

Overt Act 22. On or about April 14, 2023, **NICHOLAS T. DRYDEN a/k/a "Niko Bellic"** sent the following messages to VO1 on WhatsApp:

DRYDEN: I want you to leave one of them without a leg and then let him crawl to the adult monkeys.

DRYDEN: And hold the other one, be very nice to him feed him and dress him in yellow clothes while the other monkey crawls without a leg. After cutting off his leg, burn the wound with a lighter.

DRYDEN: To burn the wounds and throw salt on it. Please include older monkeys in this video because it seems to attract most customers. Please do this thing that I mentioned.

DRYDEN: And add some of your own stuff into it. Make them lengthy like the last time.

Overt Act 23. On or about April 15, 2023, after **NICHOLAS T. DRYDEN a/k/a "Niko Bellic"** sent a message to defendant **PHILIP COLT MOSS** stating he was starting a new online

group for sharing animal crush videos, MOSS sent the following messages to DRYDEN on Telegram:

MOSS: shit man how come youre not making me an admin

MOSS: i am not feeling the love

MOSS: just ssaw the newest group u made

Overt Act 24. On or about April 16, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** sent the following messages to VO1 on WhatsApp:

DRYDEN: Could make the video right now?

DRYDEN: I’ve sent You all the ideas and things to do

DRYDEN: And write on paper, “Niko Loves You Guys”

DRYDEN: Let me know if you can do it now

DRYDEN: It would be an amazing brother if you could.

Overt Act 25. On or about April 16, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** sent the following message to VO1 on WhatsApp: “If you can make a video in the next 2 hours, I will give you 40 dollars extra.”

Overt Act 26. On or about April 16, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** received an animal crush video electronically from VO1. The video is approximately 30 minutes long. It initially depicts a piece of paper with the words “Niko Bellic Loves You Guys” written across it. The video then depicts various acts of torture being performed by VO1 upon a monkey, including burning the genitals and anus of the monkey.

Overt Act 27. On or about April 16, 2023, and April 17, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** invited **PHILIP COLT MOSS** to join an internet group DRYDEN had

started called “Famiglia Privata,” after which DRYDEN and MOSS exchanged the following messages on Telegram:

DRYDEN: You ain't fuckin wit the videos no more brother ?

MOSS: Yes sir I still am

MOSS: And just requested to join new group

MOSS: Family private

MOSS: Familia privata. What u got for videos

DRYDEN: Okay got i

DRYDEN: It's about 2 hours or more of footage

DRYDEN I got 5 or 6 videos you haven't seen bro

DRYDEN: I will send you all 5 of them for 140

Overt Act 28. On or about April 17-18, 2023, while discussing taking a trip together to Indonesia, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** and **PHILIP COLT MOSS** exchanged the following messages on Telegram:

DRYDEN: We can go visit the vo.and ur dude

MOSS: i would love that dude

...

MOSS: we would have the time of our lives

MOSS: and make our own sauce⁶

...

DRYDEN: Hell yeah our sauce will be better then [redacted]

⁶ Note: “sauce” is a slang term for monkey crush videos.

Overt Act 29. On or about April 17, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** and

PHILIP COLT MOSS exchanged the following messages on Telegram:

MOSS: and how are people being vetted

MOSS: in these groups

MOSS: like what is the process

DRYDEN: Basically i jus go with my gut.

DRYDEN: But I usually ask em a series of questions

...

DRYDEN: Then I say , you have 2 minute to screenshot your galleru and show me what torture videos you have downloaded

...

MOSS: damn thats legit.

MOSS: you havca. system

Overt Act 30. On or about April 17, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** and

PHILIP COLT MOSS exchanged the following messages on Telegram:

DRYDEN: If ur low on bread brother I'll throw u a couple for free

DRYDEN: Sounds like u been working hard. u deserve it

...

MOSS: shit dude for real. youre a good friend. i appreciate that. but i insist on paying bc u work hard to make that all happen

MOSS: but that meansa. lot thank u

DRYDEN: It's okay brother. I got about 8 you haven't seen. I am gonna send now.

What ever u decide to send. You can send it .

DRYDEN: Here are some other suggestions. Choke it to almost dead (pinching the throat), bees or ants in jars, put super glue in the hands, buttocks or mouth, stretch its arms and legs with a ratchet until it is broken

DRYDEN: Tie him to the cage and force him to eat shit. Then put out the cigarette. If you have a snake, let the snake attack him first, then in his eyes. Then force him into a small jar with cap and fill it with water until he almost drowns

DRYDEN: If you have a snake, let the snake attack him first and beat him up a little bit but don't knock him out. The tie him to the cage and put a cigarette in his eyes and forced him to eat

DRYDEN: Then after that force him into the small jar and cover it. Fill it with water until he almost drowns and then after that see if he wants to eat bananas

DRYDEN: then break every bone in his leg with pliers that you have and throw him back with the snake and brutally beat it to death.

Overt Act 35. On or about April 17, 2023, **NICHOLAS T. DRYDEN a/k/a "Niko Bellic"** sent the following message to VO1 on WhatsApp: "This customer is asking you to do all the things that he asked for, He paid us repeatedly. I told him that you would do it for him."

Overt Act 36. On or about April 17, 2023, **NICHOLAS T. DRYDEN a/k/a "Niko Bellic"** sent the following messages to VO1 on WhatsApp:

DRYDEN: Put " niko bellic" then on tlcgram button @nb932"

...

DRYDEN: "Telegram @nb932"

Overt Act 37. On or about April 18, 2023, **NICHOLAS T. DRYDEN a/k/a "Niko Bellic"** received an animal crush video electronically from VO1. The video is approximately 31

minutes and 5 seconds long. It initially depicts a piece of paper with the words “Niko Bellic Telegram @NB932” written across it. The video then depicts various acts of torture being performed by VO1 upon a monkey, including putting superglue into the anus of a monkey.

Overt Act 38. On or about April 18, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”**

posted the following message to the Telegram group Famiglia Privata: “Okay I’m bout to send you previews of the latest video. One of the best he’s ever done By far.” DRYDEN then posted a screenshot from a video showing a monkey with its legs bound with tape, eyes closed and mouth open, held by the neck. A paper with the words “Niko Bellic Telegram @NB932” is visible underneath the monkey.

Overt Act 39. On or about April 18, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”**

posted multiple short “teaser” videos to the Telegram group Famiglia Privata. In one, a 13 second video, the videographer is seen holding a baby male monkey. The monkey is brought closer to the camera for a close-up shot of the monkey’s genitals. The watermark “@NB932” is visible across the screen.

Overt Act 40. On or about April 18, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”**

distributed an animal crush video electronically to **PHILIP COLT MOSS**.

Overt Act 41. On or about April 18, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** and

PHILIP COLT MOSS exchanged the following messages on Telegram:

DRYDEN: Whatsup brother

DRYDEN: Did u watch the videos

MOSS: shit just chilling man. and yes!!

MOSS: they were good. when did he film all those

Overt Act 42. On or about April 19, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** and

VO1 exchanged the following messages on WhatsApp:

VO1: What idea that you will give?

VO1: To make it now.

DRYDEN: Okay kill the smaller one first.

DRYDEN: Make Mom and Dad watch

DRYDEN: Tie it to a cage, break all four limbs with pliers.

VO1: Okay.

...

DRYDEN: Wait a minute, I'll send some more.

DRYDEN: What sort of tools do you have?

DRYDEN: Do you have a blender?

...

DRYDEN: Do this again with the little one but do this without any mercy

DRYDEN: Also, don't forget to dress it in yellow clothes

DRYDEN: Burn his ass with matches and burn his hands and feet in boiling water

DRYDEN: Then let him crawl around to see if he will go to his parents.

...

DRYDEN: The customer wants you to kill it by slamming his face to the ground
with its feet at the end.

DRYDEN: One other thing. Let the teenage monkey live. But break his arm if
you can. And you can put it back into the cage but make sure you let him watch the
torture.

DRYDEN: And let them go to each other from time to time, then separate them.

Overt Act 43. On or about April 20, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** received an animal crush video electronically from VO1. The video is approximately 33 minutes and 23 seconds long. The video depicts various acts of torture being performed by VO1 upon a monkey, including burning the genitals and anus of the monkey repeatedly and cutting the genitals of a male monkey with scissors.

Overt Act 44. On or about April 20, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** distributed an animal crush video electronically to **GIANCARLO MORELLI**.

Overt Act 45. On or about April 20, 2023, and April 21, 2023, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** and **GIANCARLO MORELLI** exchanged the following messages on Telegram:

DRYDEN: Check your email

...

MORELLI: oh shit is that a male?

MORELLI: LMAO he super glued his ass?

DRYDEN: Yea we got 2

DRYDEN: I got another one

...

DRYDEN: He beats it to death and cuts it dick off

MORELLI: yes finally!

...

MORELLI: I thought you said he cut it off?

MORELLI: Looks like he tried to but never did

	Date	Amount
Overt Act 52	3/13/2023	\$70
Overt Act 53	3/14/2023	\$60
Overt Act 54	3/15/2023	\$40
Overt Act 55	3/15/2023	\$60
Overt Act 56	3/18/2023	\$80
Overt Act 57	3/18/2023	\$100
Overt Act 58	3/21/2023	\$80
Overt Act 59	3/23/2023	\$80
Overt Act 60	3/26/2023	\$50
Overt Act 61	3/27/2023	\$40
Overt Act 62	3/29/2023	\$60
Overt Act 63	3/30/2023	\$60
Overt Act 64	4/2/2023	\$60
Overt Act 65	4/6/2023	\$50
Overt Act 66	4/9/2023	\$80
Overt Act 67	4/11/2023	\$65
Overt Act 68	4/13/2023	\$80
Overt Act 69	4/18/2023	\$70
Overt Act 70	4/21/2023	\$50

Overt Act 71. – 88. On or about the dates listed below, **PHILIP COLT MOSS** sent funds

electronically to **NICHOLAS T. DRYDEN a/k/a “Niko Bellic,”** each of which is a separate overt act in furtherance of the conspiracy:

	Date	Amount
Overt Act 71	2/27/2023	\$65
Overt Act 72	3/1/2023	\$65
Overt Act 73	3/7/2023	\$50
Overt Act 74	3/12/2023	\$65
Overt Act 75	3/15/2023	\$65
Overt Act 76	3/16/2023	\$60
Overt Act 77	3/18/2023	\$68
Overt Act 78	3/21/2023	\$80
Overt Act 79	3/22/2023	\$50
Overt Act 80	3/25/2023	\$50

Overt Act 81	3/26/2023	\$40
Overt Act 82	3/27/2023	\$50
Overt Act 83	3/29/2023	\$30
Overt Act 84	4/4/2023	\$50
Overt Act 85	4/6/2023	\$379
Overt Act 86	4/9/2023	\$100
Overt Act 87	4/18/2023	\$100
Overt Act 88	4/21/2023	\$80

All in violation of 18 U.S.C. § 371.

COUNT 2
**(Production, Distribution, and Receipt of Visual Representation
of Sexual Abuse of Children)**

9. Paragraphs 1 through 4 of the Indictment are incorporated herein.
10. On or about March 12, 2023, within the Southern District of Ohio and elsewhere, the defendant, **NICHOLAS T. DRYDEN a/k/a “Niko Bellic,”** under the circumstances described in 18 U.S.C. § 1466A(d)(1), (d)(2), and (d)(4), did knowingly produce, distribute, receive, and possess with intent to distribute a visual depiction of (1) a minor engaging in sexually explicit conduct and such depiction was obscene, and/or (2) a minor engaging in graphic bestiality and sadistic abuse and such depiction lacked serious literary, artistic, political, or scientific value; that is, a video of a minor engaging in various acts with a baby monkey to include sticking a spoon in the monkey’s anus, dunking the monkey into a container of water with the spoon protruding from its anus, slamming it repeatedly into a cage by its tail, and ultimately killing the baby monkey.

All in violation of 18 U.S.C. § 1466A(a) and 18 U.S.C. § 2.

**(Production, Distribution, and Receipt of Visual Representation
of Sexual Abuse of Children)**

11. Paragraphs 1 through 4 of the Indictment are incorporated herein.

12. On or about March 25, 2023, within the Southern District of Ohio and elsewhere, defendant **NICHOLAS T. DRYDEN a/k/a “Niko Bellic”** under the circumstances described in 18 U.S.C. § 1466A(d)(1), (d)(2), and (d)(4), did knowingly produce, distribute, receive, and possess with intent to distribute a visual depiction of (1) a minor engaging in sexually explicit conduct and such depiction was obscene, and/or (2) a minor engaging in graphic bestiality and sadistic abuse and such depiction lacked serious literary, artistic, political, or scientific value; that is, a video of a minor engaging in various acts with a baby monkey to include sticking a wooden skewer in the monkey’s anus, sticking fish hooks in the monkey’s head, attaching the monkey to a cage using a fishhook protruding from its head, burning the monkey’s face and head, cutting the monkey repeatedly in the mouth, head, and body with wire cutters, picking up the monkey by a wooden skewer protruding from its anus, and ultimately killing the baby monkey.

All in violation of 18 U.S.C. § 1466A(a) and 18 U.S.C. § 2.

**(Production, Distribution, and Receipt of Visual Representation
of Sexual Abuse of Children)**

13. Paragraphs 1 through 4 of the Indictment are incorporated herein.

14. On or about April 20, 2023, within the Southern District of Ohio and elsewhere, defendant **NICHOLAS T. DRYDEN a/k/a “Niko Bellic,”** under the circumstances described in 18 U.S.C. § 1466A(d)(1), (d)(2), and (d)(4), did knowingly produce, distribute, receive, and possess with intent to distribute a visual depiction of (1) a minor engaging in

advertised, exchanged, and distributed, and aided and abetted the sale, marketing, advertisement, exchange, and distribution of one or more animal crush videos, intending and having reason to know that the videos would be distributed in, and using a means and facility of, interstate and foreign commerce.

All in violation of 18 U.S.C. § 48(a)(3) and 18 U.S.C. § 2.

COUNT 7
(Distribution of Animal Crush Video)

19. Paragraphs 1 through 4 of the Indictment are incorporated herein.

20. On or about between March 12, 2023, and April 22, 2023, within the Southern District of Ohio and elsewhere, defendant **GIANCARLO MORELLI**, did knowingly sell, market, advertise, exchange, and distribute, cause to be sold, marketed, advertised, exchanged, and distributed, and aided and abetted the sale, marketing, advertisement, exchange, and distribution of one or more animal crush videos, intending and having reason to know that the videos would be distributed in, and using a means and facility of, interstate and foreign commerce.

All in violation of 18 U.S.C. § 48(a)(3) and 18 U.S.C. § 2.

COUNT 8
(Distribution of Animal Crush Video)

21. Paragraphs 1 through 4 of the Indictment are incorporated herein.

22. On or about between March 12, 2023, and April 22, 2023, within the Southern District of Ohio and elsewhere, defendant **PHILIP COLT MOSS**, did knowingly sell, market, advertise, exchange, and distribute, cause to be sold, marketed, advertised, exchanged, and distributed, and aided and abetted the sale, marketing, advertisement, exchange, and distribution of one or more animal crush videos, intending and having reason

United States District Court for the Southern District of Iowa

Presiding: Honorable William P. Kelly, U.S. Magistrate Judge

Criminal No. 4:24-mj-00374-HCA-1

:

Clerk's Court Minutes – Initial Appearance

United States of America vs. Philip Colt Moss

Gov. Atty(s): Joseph Lubben	:	Indictment	Superseding Indictment	Information
Def. Atty(s): Mackenzi Nash	:	Complaint	✓ Warrant	
Court Reporter: FTR Gold	:	Code Violation/Offense:		
Interpreter: N/A	:	1:24-cr-66-DRC Southern District of Ohio:		
	:	18:371 Conspiracy to Create and Distribute Animal Crush		
Date: August 8, 2024	:	Videos (1); 18:48(a)(3) Distribution of Animal Crush Video		
Time Start: 1:39 p.m. Time End: 1:47 p.m.	:	(8)		

Initial Appearance

✓ Defendant Advised of Rights

Representation: ✓ Appointed FPD

Appointed CJA

Retained Counsel

Next Court Event: Preliminary

Arraignment

Removal Hearing

Set for:

Arraignment

Trial Scheduled for:	:	Advised of Charges/Maximum Penalties
Rule 16 Material due:	:	Indicted in True Name
Reciprocal Discovery due:	:	True Name:
Pretrial Motions due:	:	Reading of Indictment Waived
Plea Notification Deadline:	:	Plea of Not Guilty Accepted as to Ct(s):
Plea Entry Deadline:	:	Denied Forfeiture

Custody Status

✓ Government Moved for Detention

Detention Hearing Set: August 13, 2024 at 2:00 p.m.

Court Ordered Defendant: Released on Bond ✓ Detained

Minutes:

Defendant appeared with Federal Public Defender Mackenzi Nash. Defendant has notified the Court he plans to retain counsel. Court appoints Federal Public Defender to represent this defendant in the Southern District of Iowa until retained counsel has filed an appearance. Defendant advised of rights. Government is seeking detention. A detention hearing and identity hearing are set for August 13, 2024 at 2:00 p.m. Defendant to remain detained pending further proceedings.

/s/ K. Platt

Deputy Clerk

**United States District Court
Southern District of Iowa**

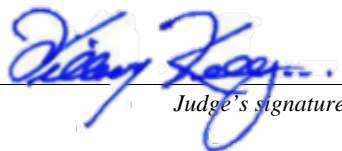
United States of America)	
)	
Plaintiff,)	
)	
vs.	)	Case No. 4:24-mj-00374-HCA-1
)	
Philip Colt Moss)	<input type="checkbox"/> [Check if Federal Public Defender is
,	)	appearing only for arraignment or
	)	initial appearance]
Defendant.)	

ORDER APPOINTING COUNSEL

The Court finds that the Defendant qualifies for appointment of counsel under the Criminal Justice Act, 18 USC §3006A, and the Criminal Justice Act Plan for the Southern District of Iowa. A CJA Form 23 Financial Affidavit shall be filed within five days of this Order.

It is ORDERED that Federal Defender's Office, or substitute counsel designated pursuant to the CJA Plan, is appointed to represent Defendant for all proceedings, including appeal. The Court may require Defendant to make full or partial repayment of attorney and witness fees, should it find that the Defendant has the ability to make such payment.

Date: August 8, 2024



Judge's signature

William P. Kelly, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA**

UNITED STATES of AMERICA,

Plaintiff,

vs.

Philip Colt Moss

Defendant.

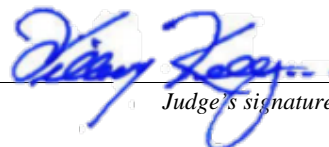
Case No. 4:24-mj-00374-HCA-1

RULE 5 ORDER

Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to disclose to the defendant all exculpatory evidence-that is, evidence that favors the defendant or casts doubt on the United States' case, as required by *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and ORDERS the United States to do so. Failure to disclose exculpatory evidence in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanctions by the Court.

IT IS SO ORDERED.

Date: August 8, 2024


Judge's signature

William P. Kelly, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF IOWA

United States of America

v.

Philip Colt Moss

Defendant

)
)
)
)
)

Case No. 4:24-mj-00374-HCA-1

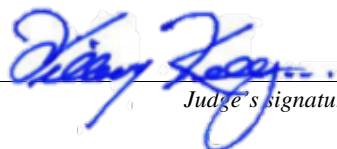
**ORDER SCHEDULING A DETENTION HEARING
and/or Preliminary Hearing**

A detention and identity hearing in this case are scheduled as follows:

Place: United States Courthouse Des Moines, IA	Courtroom No.: 455 - 4th Floor, South
	Date and Time: 8/13/2024 2:00 pm

IT IS ORDERED: Pending the hearing, the defendant is to be detained in the custody of the United States marshal or any other authorized officer. The custodian must bring the defendant to the hearing at the time, date, and place set forth above.

Date: August 8, 2024



Judge's signature

William P. Kelly, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,)	
)	
	)	Criminal No. 4:24-mj-374
v.)	
)	
PHILLIP COLT MOSS,	)	APPEARANCE
)	
Defendant.)	
)	

Assistant United States Attorney MacKenzie Tubbs enters her appearance as
lead counsel for the United States of America in the above-entitled case.

Respectfully submitted,

Richard D. Westphal
United States Attorney

By: /s/ MacKenzie Tubbs
MacKenzie Benson Tubbs
Assistant United States Attorney
Neal Smith Federal Building
210 Walnut Street, Suite 455
Des Moines, IA 50309
Tel: (515) 473-9300
Fax: (515) 473-9292
Email: mackenzie.benson.tubbs@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2024,
I electronically filed the foregoing with the Clerk of
Court using the CM ECF system. I hereby certify
that a copy of this document was served on the
parties or attorneys of record by:

 U.S. Mail Fax Hand Delivery
 X ECF/Electronic filing Other means
ASSISTANT UNITED STATES ATTORNEY
By: /s/ MacKenzie Tubbs

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. PHILIP COLT MOSS, Defendant.	No. 4:24-mj-374 APPEARANCE
--	-----------------------------------

TO THE CLERK OF THIS COURT AND ALL PARTIES OF RECORD:

The undersigned hereby enters her appearance as counsel in this case for the defendant, Philip Colt Moss. Assistant Federal Public Defender Mackenzi Nash may be terminated from the case.

Respectfully Submitted,

/s/ Nova D. Janssen

Nova D. Janssen, Asst. Federal Defender
FEDERAL PUBLIC DEFENDER'S OFFICE
400 Locust Street, Suite 340
Des Moines, Iowa 50309-2353
PHONE: (515) 309-9610
FAX: (515) 309-9625
E-MAIL: nova_janssen@fd.org
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2024, I electronically filed this document with the Clerk of Court using the ECF system which will serve it on the appropriate parties.

/s/ McKenna Tingle

United States District Court for the Southern District of Iowa

Presiding: Honorable William P. Kelly, U.S. Magistrate Judge :

Case No. 4:24-mj-00374-HCA-1 : Clerk's Court Minutes – Identity & Detention Hearing

Plaintiff(s)	:	Defendant(s)
	:	
	:	
	:	
United States of America	:	Philip Colt Moss
	:	
	:	
	:	

Plaintiff(s) Counsel: MacKenzie Benson Tubbs	:	All parties consent to video proceedings
Defendant(s) Counsel: Nova Danielle Janssen	:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Defendant's Appearance: <input checked="" type="checkbox"/> In Person <input type="checkbox"/> Video Conference	:	Interpreter:
Court Reporter: Kelli Mulcahy	:	<input type="checkbox"/> Interpreter Sworn

Motion(s) for Ruling:	Ruling	/	Ruling Reserved
-----------------------	--------	---	-----------------

Government's Oral Motion for Detention (ECF# 7)	Denied	:	
		:	
		:	

<input type="checkbox"/> Court found that probable cause exists that the defendant committed the offense(s) charged	Court issues ruling and orders Defendant:
<input type="checkbox"/> Court did not find that probable cause exists that the defendant committed the offense(s) charged	<input type="checkbox"/> Detained pending further proceedings
<input type="checkbox"/> Government agrees to release on bond	<input checked="" type="checkbox"/> Released on conditions
<input checked="" type="checkbox"/> Court advises Defendant/Government of right to appeal	<input type="checkbox"/> Court takes matter under advisement; Defendant to remain detained pending ruling on this matter

Additional Information

Defendant appears in person with AFPD Nova Danielle Janssen for a detention and identity hearing regarding charges filed in the Southern District of Ohio (Case Number 1:24-cr-66-DRC). Defendant waives identity hearing. Matters proceed to detention proceedings.

Government offers Government Exhibit 1: Abbreviated Text Messages, Exhibit 2: Web page and Government Exhibit 3: Extended Text Messages. No objections by defense. Court admits Government Exhibits 1, 2 & 3. Proffer by government. Proffer by defense. Argument by government. Argument by defense.

Government Exhibits 1, 2 & 3 received, and counsel for government to file on CM/ECF per local rules.

Court orders defendant released on conditions pending proceedings in the Southern District of Ohio. Defendant to appear in the Southern District of Ohio on 8/20/2024 at 1:30 p.m. in courtroom 801.

Time Start: 2:07 p.m.

Time End: 3:30 p.m.

Date: August 13, 2024

/s/ K. Platt

Deputy Clerk

United States District Court for the Southern District of Iowa

Presiding: Honorable William P. Kelly, U.S. Magistrate Judge :

Case No. 4:24-mj-00374-HCA-1 : Clerk's Court Minutes – Identity & Detention Hearing

Plaintiff(s)	:	Defendant(s)
	:	
	:	
	:	
United States of America	:	Philip Colt Moss
	:	
	:	
	:	

Plaintiff(s) Counsel: MacKenzie Benson Tubbs	:	All parties consent to video proceedings
Defendant(s) Counsel: Nova Danielle Janssen	:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Defendant's Appearance: <input checked="" type="checkbox"/> In Person <input type="checkbox"/> Video Conference	:	Interpreter:
Court Reporter: Kelli Mulcahy	:	<input type="checkbox"/> Interpreter Sworn

Motion(s) for Ruling:	Ruling	/	Ruling Reserved
-----------------------	--------	---	-----------------

Government's Oral Motion for Detention (ECF# 7)	Denied	:	
		:	
		:	

<input type="checkbox"/> Court found that probable cause exists that the defendant committed the offense(s) charged	Court issues ruling and orders Defendant:
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Time Start: 2:07 p.m.

Time End: 3:30 p.m.

Date: August 13, 2024

/s/ K. Platt

Deputy Clerk

UNITED STATES DISTRICT COURT

SOUTHERN

District of

IOWA

United States of America

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ORDER SETTING CONDITIONS OF RELEASE

Philip Colt Moss

Case Number: 4:24-MJ-00374-001

Defendant

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant must not commit any offense in violation of federal, state or local law on release in this case.
- (2) The defendant must immediately advise the court or the pretrial services office or supervising officer in writing before any change in address and telephone number.
- (3) The defendant must appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall appear at (if blank, to be notified) _____ U.S. Courthouse
Southern District of Ohio on _____ as directed

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community. IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- (✓) (4) The defendant is placed in the custody of:

(Name of person or organization) Ande Skinner Moss (not to use attorney access to violate jail or prison rules/regulations)(Iowa law license)

(Address)_

(City and State)

(Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed:

Custodian or Proxy

Date _____

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICES U.S. ATTORNEY U.S. MARSHAL

(✓) (5) The defendant must:

- (✓) (a) report to the Pretrial Services Office, telephone number 515-724-9489, not later than _____ as directed _____
- (✓) (b) maintain or actively seek employment.
- () (c) maintain or commence an education program.
- (✓) (d) surrender any passport to: U.S. Probation (mailed directly to U.S. Probation).
- (✓) (e) obtain no passport.
- (✓) (f) abide by the following restrictions on personal association, place of abode, or travel: Southern District of Iowa and Southern District of Ohio for court and attorney appointments only.
- (✓) (g) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: co-defendants.
- (✓) (h) undergo a mental health evaluation and participate in mental health treatment, to include inpatient services, if required, as directed by the supervising officer.
- () (i) maintain residence at a halfway house or community corrections center, as deemed necessary by the U.S. Probation Office. All costs will be paid by the U.S. Probation Office provided the defendant is making satisfactory progress towards goals set by the supervising officer. Within 60 days of the date of this Order, the Court will be provided an update on the defendant's status and progress towards community placement.
- (✓) (j) refrain from possessing a firearm, ammunition, destructive device, or other dangerous weapons.
- (✓) (k) refrain from (✓) any () excessive use of alcohol.
- (✓) (l) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner. This provision does not permit the use or possession of medical marijuana even with a physician's certification. The defendant is prohibited from using or possessing any synthetic intoxicating substance, including but not limited to "Spice", "K-2" or other forms of synthetic marijuana.
- (✓) (m) submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
- (✓) (n) undergo a substance abuse evaluation and participate in substance abuse treatment, to include inpatient services, if required, as directed by the supervising officer.
- (✓) (o) participate in one of the following location restriction programs and comply with its requirements as directed. (CHECK ONE):
- (i) () Curfew: You are restricted to your residence every day () from _____ to _____, or () as approved by the probation officer or supervising officer; or
- (ii) (✓) Home Detention: You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other essential activities approved in advance by the probation officer or supervising officer; or
- (iii) () Home Incarceration: You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the Court.
- (✓) (p) submit to the following location monitoring technology and comply with all of the program requirements and instructions provided. The defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of location monitoring. The defendant shall pay all or part of the location monitoring cost as directed by the officer. (CHECK ONE):
- () Technology as directed by USPO
- () Radio Frequency (RF) monitoring
- (✓) Global Positioning Satellite (GPS)
- () Voice Recognition
- (✓) (q) report as soon as possible to the pretrial services office or supervising officer any contact with law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- (✓) (r) permit a Probation Officer to visit him or her at any time at home or other approved residence.
- (✓) (s) You shall not have access to the internet (except for purposes of treatment)
You must not own, possess, or have access to an animal, unless approved by the U.S. Probation Office _____.

IT IS FURTHER ORDERED:

You shall not possess any photos or videos depicting abuse of an animal.

You must submit to a search of your person, property, residence, adjacent structures, office, vehicle, papers, computers, and other electronic communications or data storage devices or media, conducted by a U.S. Probation Officer. Failure to submit to a search may be grounds for revocation. You must warn any other residents or occupants that the premise and/or vehicle may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that you have violated a condition of your release and/or that the area(s) or item(s) to be searched contain evidence of this violation or contain contraband. Any search must be conducted at a reasonable time and in a reasonable manner. This condition may be invoked with or without the assistance of law enforcement including the U.S. Marshals Service.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgement of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

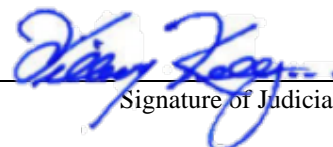
Signature of Defendant

Address

City and State

Telephone**Directions to United States Marshal**

- (✓) The defendant is ORDERED released after processing. All signatures must be obtained prior to release.
- () The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: August 13, 2024

Signature of Judicial Officer

William P. Kelly, U.S. Magistrate Judge
Name and Title of Judicial Officer

UNITED STATES DISTRICT COURTfor the
Southern District of Iowa

United States of America)

v.)

Philip Colt Moss)

Defendant)

Case No. 4:24-mj-00374-HCA-1

Charging District: Southern District of Ohio

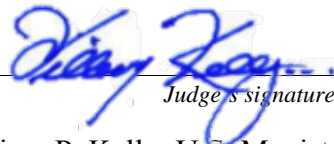
Charging District's Case No. 1:24-cr-66-DRC

**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Place: United States District Court 100 East 5th Street, Room 801 Cincinnati, OH 45202	Courtroom No.: 801
	Date and Time: 8/20/2024 1:30 pm

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: August 13, 2024

Judge's signature

William P. Kelly, U.S. Magistrate Judge

Printed name and title



Case: Case 4:24-mj-00374-HCA Document 1-1 Filed 08/18/24 Page 1 of 1
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
123 East Walnut Street
Des Moines, Iowa 50309
Tel: (515) 284-6248

Case: Case 4:24-mj-00374-HCA Document 1-1 Filed 08/18/24 Page 1 of 1
PACER #: 465
WESTERN DIVISION
2146 27th Avenue
Council Bluffs, Iowa 51501
(712) 328-0283
EASTERN DIVISION
131 East 4th Street, Suite 150
Davenport, Iowa 52801
(563)884-7607

Southern District of Ohio

Transfer of ☐ Criminal Case or ☒ Magistrate Case

SDIA Case No. 4:24-mj-00374-HCA-1 Case Title: USA v. Moss 1:24-cr-66-DRC

Dear Sir/Madam:

Pursuant to F.R.C.R.P. 5:

- ☒ This is an electronically filed case and the documents are available through Pacer
☐ Certified copy of case file documents (Filed prior to November 1, 2004**) and docket sheet
☐ Not for public view document (pursuant to Judicial Conference policy)
☐ Other _____

Pursuant to ☐ F.R.C.R.P. 20 / ☐ F.R.C.R.P. 21:

- ☐ This is an electronically filed case and the documents are available through Pacer.
☐ Certified copy of case file documents (Filed prior to November 1, 2004**) and docket sheet
☐ Not for public view document (pursuant to Judicial Conference policy)
☐ Other _____

Pursuant to 18 U.S.C. § 3605 Transfer of Jurisdiction ☐ Supervised Release ☐ Probation

- ☐ This is an electronically filed case and the documents are available through Pacer.
☐ Certified copy of case file documents (Filed prior to November 1, 2004**) and docket sheet
☐ Not for public view document (pursuant to Judicial Conference policy)
☐ Other _____

****Note: Documents filed on or after November 1, 2004 are available electronically through PACER.**
Electronically filed documents can be retrieved by using your court's PACER account .

Sincerely,

Clerk, U.S. District Court

By /s/ K. Platt
Deputy Clerk

TO BE COMPLETED BY RECEIVING DISTRICT

Please acknowledge receipt via e-mail to the address listed below and provide the case number assigned in your district:

Iasd_casemanagers@iasd.uscourts.gov

Clerk, U.S. District Court

Date _____

By: _____
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,)	
)	
v.	)	Criminal No. 4:24-mj-374
)	
PHILIP COLT MOSS,	)	GOVERNMENT'S EXHIBITS RE:
	)	DETENTION HEARING
Defendant.)	
)	

Attached are the following government exhibits, entered into evidence at the detention hearing held August 13, 2024:

Exhibit No.	Description
1	Excerpts of Telegram messages between Moss and Dryden (5 pages)
2	Attorney profile on philipcoltmoss.com and site removal (3 pages)

Respectfully submitted,

Richard D. Westphal
United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2024, I electronically filed the foregoing with the Clerk of Court using the CM ECF system. I hereby certify that a copy of this document was served on the parties or attorneys of record by:

☐ U.S. Mail ☐ Fax ☐ Hand Delivery

☒ ECF/Electronic filing ☐ Other means

ASSISANT UNITED STATES ATTORNEY

By: /s/ MacKenzie Tubbs

By: /s/ MacKenzie Tubbs
MacKenzie Benson Tubbs
Assistant United States Attorney
Neal Smith Federal Building
210 Walnut Street, Suite 455
Des Moines, IA 50309
Tel: (515) 473-9300
Fax: (515) 473-9292
Email: mackenzie.benson.tubbs@usdoj.gov

From: [REDACTED] Colt Moss

I was gonna say. If it was too far I could meet u in like chicago and we could kick it and get wild in the city

Status: Read

4/20/2023 2:06:40 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

[REDACTED]_files_full.zip/data/data/org.telegram.messenger/[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED] Colt Moss

Cuz that drives four and a half hours for each of us. But if u make it here that's even better

Status: Read

4/20/2023 2:07:40 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED] Colt Moss

I got whatever. You need. I got a hookup for anything you're looking for. Uppers downers. Girls. Lol

Status: Read

4/20/2023 2:08:14 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED] Colt Moss

You gotta remember as a defense attorney. I know all the dealers bc I represent them

Status: Read

4/20/2023 2:08:27 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



From: [REDACTED] Colt Moss

From weed to mushrooms. Coke to meth. Molly to acid. Dope to tar. Xanax.

Status: Read

4/20/2023 2:09:12 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] Colt Moss

Like. You gotta check it out

Status: Read

4/20/2023 2:09:55 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] NB932 (owner)

Lol hell yeah bro . I didn't think about it that way

Status: Read

4/20/2023 2:27:22 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

[REDACTED]
[REDACTED]

From: [REDACTED] NB932 (owner)

But yea this is happening bro

Status: Read

4/20/2023 2:27:28 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] Colt Moss

Attachments:



Size: 0

File name: -5046557002406407478_121.jpg

-5046557002406407478_121.jpg

(Empty File)

Status: Read

4/21/2023 6:37:20 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] Colt Moss

My fiancé is in the middle

Status: Read

4/21/2023 6:37:35 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED])

From: [REDACTED] Colt Moss

Attachments:



Size: 0

File name: -5046557002406407483_121.jpg

-5046557002406407483_121.jpg

(Empty File)

Status: Read

4/21/2023 6:38:44 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] Colt Moss

For some reason this was in pics. That's me A skinny white dude

Status: Read

4/21/2023 6:39:15 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] Colt Moss

Lol

Status: Read

4/21/2023 6:39:18 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] NB932 (owner)

Ahhaha hell yea bro do u tell her about the whole monkey shit?

Status: Read

4/21/2023 6:39:58 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

[REDACTED]
[REDACTED]

Reply

From: [REDACTED] NB932 (owner)

From: [REDACTED] Colt Moss

Why do you look so different between those two pics

Status: Read

Label: Edited

4/21/2023 6:31:30 AM(UTC-4)

I was 18 on coke in the first one. Second one I jus got bigger and cut my jair

Status: Read

Label: Reply

4/21/2023 6:40:25 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

[REDACTED]
[REDACTED]

From: [REDACTED] NB932 (owner)

Na I see ur picture every time u buy a video

Status: Read

4/21/2023 6:40:58 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] Colt Moss

Man I try to cuz she's a cool ass girl and she's a party girl. She doesn't really get the monkey thing which. Makes sense but she likes that it's a little community and it seems to make me happy

Status: Read

4/21/2023 6:41:19 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

In response to recent COVID-19 concerns, we are writing to assure our clients that we are taking recommended precautions. [[Learn More](#)]

[Contact Us](#)

2501 Grand Ave. | Des Moines, Iowa 50312

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[Map & Directions](#)



PHILIP COLT MOSS

Free Initial Consultation
515-770-6082

[Home](#) / [Attorney Profile](#)



Philip Colt Moss

Attorney

Phone: 515-770-6082

Fax: 515-281-1474

Email: [Philip Colt Moss](#) ›

Facing the threat of criminal prosecution or a lawsuit can be daunting. Colt Moss will bring energy and verve to your situation. He takes great satisfaction in helping his clients solve problems that they cannot solve on their own. Colt wants to help you navigate whatever problems life has created for you and is determined to be there with you every step of the way. "I stress the importance of communicating with my clients throughout the process," Colt says. "I want to help them find hope and optimism in an otherwise challenging time." Using creativity and hard work, Colt will help you move on with your life.

Colt moved back home to Iowa to begin his law practice in 2012. From criminal matters and employment-related issues to personal injury and contract disputes, he has a wide-ranging practice. He enjoys being in the courtroom and advocating for his clients' interests. Throughout his practice, he seeks to build lasting relationships with his colleagues and clients.

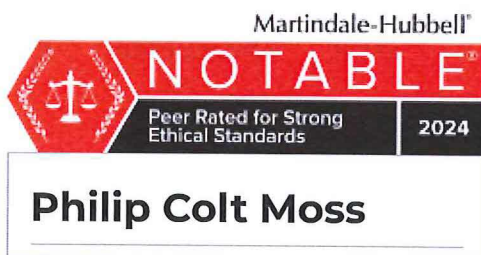
AWARDS

- Lifetime Achievement Recipient, America's Top 100 Attorneys, 2017
- Top 40 under 40, National Trial Lawyers Association, 2016
- Top 40 under 40, National Trial Lawyers Association, 2015
- Top 40 under 40, National Trial Lawyers Association, 2014



WORK EXPERIENCE

- Attorney at Law, 2012 – Present
- Law Clerk, Wandro & Associates, 2010 – 2012
- Prosecutor, Gaston County Teen Drug Court, 2010 – 2012



Admissions

- Iowa
- Federal Court Northern District of Iowa
- Federal Court Southern District of Iowa

Education

- Charlotte School of Law, 2012, J.D.
- University of Iowa, 2007, B.A.
- University of Kansas

Associations

- National Trial Lawyers Association, Member, 2016 - Present
- Blackstone American Inn of Court, Member, 2013 - Present
- Iowa State Bar Association, Criminal Law Section, 2012 - Present
- Polk County Bar Association, Member, 2012 - Present
- Iowa Association of Justice, Member, 2012 - Present
- American Association of Justice, Member, 2012 - Present
- American Bar Association, Criminal Law Section, 2012 - Present



This site can't be reached

The connection was reset.

Try:

- Checking the connection
- [Checking the proxy and the firewall](#)
- [Running Windows Network Diagnostics](#)

ERR_CONNECTION_RESET

Reload

Details

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

)	
UNITED STATES OF AMERICA,)	
	)	Criminal No. 4:24-mj-374
v.)	
	)	MOTION TO STAY ORDER OF
PHILIP COLT MOSS,	)	RELEASE PENDING APPEAL
)	
Defendant.)	
)	

COMES NOW the United States of America and requests that the Court issue an Order staying the release of Defendant Philip Colt Moss from custody of the United States Marshals Service. Additionally, the government requests that the stay remain in effect pending review of the Order of release by the District Court, pursuant to Title 18, United States Code, Section 3145. A Notice of Appeal will be sought in the Southern District of Ohio, the court of original jurisdiction, and a transcript request will be submitted contemporaneously with this Motion.

On June 5, 2024, Moss was charged in the United States District Court for the Southern District of Ohio in an Indictment with Conspiracy to Create and Distribute Animal Crush Videos, in violation of Title 18, United States Code, Section 371 (Count 1); and Distribution of Animal Crush Video, in violation of 18 U.S.C. § 48(a)(3) (Count 8).

Moss was arrested on the charges within the Southern District of Iowa on August 8, 2024, and had his detention hearing on August 13, 2024. ECF No. 14. At the detention hearing, the government proffered the contents of the 28-page Indictment, including the allegation that co-defendant Nicholas Dryden hired a minor in Indonesia to produce videos depicting the torture, murder, sexually sadistic mutilation, and sexual abuse of baby and adult monkeys. Most videos were 30 minutes long. Dryden sold these videos in private groups, which functioned similarly to child pornography distribution groups, where there is a vetting process to be admitted and periodic creation of new groups to avoid being caught. Further, as alleged in the indictment and proffered at the hearing, Moss had a heightened involvement in the offense because he sought to be and was an administrator. As alleged in the Indictment, Moss referred to Dryden as a “friend.” Over the short 41-day period alleged in the Indictment, Moss sent 18 payments to Dryden totaling \$1447 for the animal crush videos. As alleged in the Indictment, Moss received multiple videos for each payment.

The government additionally proffered, based on Telegram messages between Moss and Dryden, that Moss discussed traveling with Dryden to produce the videos, including flouting that he had over a million Marriott points, that he would “get suites on the beach of bali,” “handle some business,” and “slap a monkey.” Moss further told Dryden that he could get him into Indonesia without a passport and listed other international destinations where he had “connection[s].”

The government also presented exhibits, including Telegram messages between Moss and Dryden. In these messages, in April 2023, Moss said “I got whatever. You need. I got a hookup for anything you’re looking for. Uppers downers. Girls. Lol” and “You gotta remember as a defense attorney. I know all the dealers bc I represent them.” Gov’t’s Ex. 1 at 1, ECF No. 18-1. The nature of the offense and the weight of the evidence against Moss weighs strongly in favor of detention.

Moss’s release plan is insufficient to assure his appearance and the safety of the community. Moss seeks to be released to his joint residence with his wife, who is also an attorney. The government proffered at the hearing that after his arrest, Moss’s wife signed up for a Polk County jail inmate visiting account for the first time and scheduled confidential attorney visits with Moss. Further, in Exhibit 1, the government offered messages between Moss and Dryden, also from April 2023, in which Dryden asked whether Moss had told his then-fiancé “about the whole monkey shit.” Moss responded “Man I try to cuz she’s a cool ass girl and she’s a party girl. She doesn’t really get the monkey thing which. Makes sense but she likes that it’s a little community and it seems to make me happy.” Gov’t’s Ex. 1 at 4, ECF No. 18-1. Moss’s wife is not a suitable third-party custodian given her knowledge of Moss’s criminal conduct, her lack of objection to him obtaining and viewing the videos, and her willingness to use her position to Moss’s benefit. Thus, there is no indication that Moss’s wife has the capability to effectively supervise Moss to ensure that he is abiding by the conditions of release.

Further, Moss contends he has not been practicing law and instead has been employed at his father's company. However, as shown in Exhibit 2, as of the date of his arrest, Moss hosted a website, phillipcoltmoss.com, advertising his legal services. ECF No. 18-2 at 1–2. As of the date of the detention hearing, the website was no longer in operation. *Id.* at 3. At the hearing, Moss contended that Avvo posted this website and suggested they did so without his knowledge, or, alternatively, that was associated with his prior law firm. However, the website contains quotes from Moss, lists his prior law firm experience, and a website exists for his prior employer, all of which are inconsistent with this being a website approved by anyone other than Moss.

Moreover, Moss's status as an attorney or his family's wealth does not bestow on him a heightened ability to follow conditions of release, nor does his wife status as an attorney make her a more suitable third-party custodian. In fact, it makes his conduct even more egregious. Moss's access to his father's assets is incredibly concerning. During the instant offense, he bragged about his wealth including his ability to travel anywhere and gain access to countries without a passport. His access to his family's funds heightens the risk of non-appearance. As Moss proffered at the detention hearing, a \$500,000 commercial property owned by his father was sold, in part, to pay for his recent substance abuse treatment, then later claimed that insurance paid for most of his treatment.

Following the Court's oral ruling denying the government's motion for detention, the Magistrate Judge entered an Order Setting Conditions of Release. ECF No. 15. In that Order, the Magistrate Judge found Moss had rebutted the

presumption and also that the government had not met its burden under either the danger to the community or risk of non-appearance prong. *Id.* The Court released Moss to his wife as third-party custodian, requiring he be on home detention and location monitoring, “not have access to the internet (except for purposes of treatment),” “not own, possess, or have access to an animal, unless approved by the U.S. Probation Office,” and “not possess any photos or videos depicting animal abuse,” among other conditions *Id.* at 2.

Based on all the above and the information presented at the detention hearing, Moss poses a serious danger to the community and a risk of flight that cannot be reasonably mitigated by conditions of release. His wife is unsuitable as a third-party custodian, clearly demonstrated by her actions, and lack of, during the instant offense and after Moss’s arrest. Moss’s involvement in the offense—requesting and supporting videos depicting acts of extreme violence and sexual abuse against monkeys—is exceptionally serious. Moss’s level of involvement escalated from being a viewer to an administrator over the mere 41-day time period alleged in the indictment. Detention is the only option that adequately addresses Moss’s danger and risk of flight.

THEREFORE, the government respectfully requests the Court enter an Order staying the release of Moss from custody of the United States Marshals Service until the matter can be reviewed pursuant to Title 18, United States Code, Section 3145.

Respectfully submitted,

Richard D. Westphal
United States Attorney

By: /s/ MacKenzie Tubbs
MacKenzie Benson Tubbs
Assistant United States Attorney
Neal Smith Federal Building
210 Walnut Street, Suite 455
Des Moines, IA 50309
Tel: (515) 473-9300
Fax: (515) 473-9292
Email: mackenzie.benson.tubbs@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2024, I electronically filed the foregoing with the Clerk of Court using the CM ECF system. I hereby certify that a copy of this document was served on the parties or attorneys of record by:

☐ U.S. Mail ☐ Fax ☐ Hand Delivery
☒ ECF/Electronic filing ☐ Other means

ASSISTANT UNITED STATES ATTORNEY

By: /s/ MacKenzie Tubbs



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

123 East Walnut Street
Des Moines, Iowa 50309
Tel: (515) 284-6248

WESTERN DIVISION

2146 27th Avenue
Council Bluffs, Iowa 51501
(712) 328-0283

EASTERN DIVISION

131 East 4th Street, Suite 150
Davenport, Iowa 52801
(563)884-7607

Southern District of Ohio

Transfer of ☐ Criminal Case or ☒ Magistrate Case

SDIA Case No. 4:24-mj-00374-HCA-1 Case Title: USA v. Moss 1:24-cr-66-DRC

Dear Sir/Madam:

Pursuant to F.R.C.R.P. 5:

- ☒ This is an electronically filed case and the documents are available through Pacer
☐ Certified copy of case file documents (Filed prior to November 1, 2004**) and docket sheet
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Pursuant to ☐ F.R.C.R.P. 20 / ☐ F.R.C.R.P. 21:

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Electronically filed documents can be retrieved by using your court's PACER account .

Sincerely,

Clerk, U.S. District Court

By /s/ K. Platt
Deputy Clerk

TO BE COMPLETED BY RECEIVING DISTRICT

Please acknowledge receipt via e-mail to the address listed below and provide the case number assigned in your district:

Iasd_casemanagers@iasd.uscourts.gov

Clerk, U.S. District Court

8/14/2024

Date

By: /s/ Arthur Hill
Deputy Clerk

From: 5899200136 Colt Moss

i also have a connection in manilla phillines and ho chi mihn city vietnam

Status: Read

4/15/2023 2:08:41 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

ZY22GQHBWB_files_full.zip/data/data/org.telegram.messenger/files/account2/c

ache4.db : 0x1385775 (Size: 51171328 bytes)

ZY22GQHBWB_files_full.zip/data/data/org.telegram.messenger/files/account2/c

ache4.db-wal : 0x24F2F (Size: 10485760 bytes)

From: 5899200136 Colt Moss

ill be a fucking admin

Status: Read

4/15/2023 2:11:49 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

ZY22GQHBWB_files_full.zip/data/data/org.telegram.messe

nger/files/account2/cache4.db : 0x138582B (Size:

51171328 bytes)

ZY22GQHBWB_files_full.zip/data/data/org.telegram.messe

nger/files/account2/cache4.db-wal : 0x24F2F (Size:

10485760 bytes)

From: 5589503112 NB932 (owner)

Got u bro

Status: Read

4/15/2023 2:38:11 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

ZY22GQHBWB_files_full.zip/data/data/org.telegram.mes

senger/files/account2/cache4.db : 0x13858B9 (Size:

51171328 bytes)

From: 5589503112 NB932 (owner)

Attachments:



Size: 0

File name: 1_5030740196472128335.ogg

1_5030740196472128335.ogg

(Empty File)

Status: Read

4/15/2023 2:38:17 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

ZY22GQHBWB_files_full.zip/data/data/org.telegram.messenger/files/account2/cache4.db : 0x1385919 (Size: 51171328 bytes)

From: 5899200136 Colt Moss

thanks man

Status: Read

4/15/2023 2:42:31 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

ZY22GQHBWB_files_full.zip/data/data/org.telegram.messenger/files/account2/cache4.db : 0x1385A0F (Size: 51171328 bytes)

ZY22GQHBWB_files_full.zip/data/data/org.telegram.messenger/files/account2/cache4.db-wal : 0x24F2F (Size: 10485760 bytes)

From: 5899200136 Colt Moss

im 36

Status: Read

4/15/2023 3:49:05 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

ZY22GQHBWB_files_full.zip/data/data/org.telegram.messenger/files/account2/cache4.db : 0x1385A85 (Size: 51171328 bytes)

ZY22GQHBWB_files_full.zip/data/data/org.telegram.messenger/files/account2/cache4.db-wal : 0x24F2F (Size: 10485760 bytes)

From: 5899200136 Colt Moss
yo

Status: Read
4/15/2023 6:29:48 AM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

ZY22GQHBWB_files_full.zip/data/data/org.telegram.messenger/files/account2/cache4.db : 0x1385AF7 (Size: 51171328 bytes)
ZY22GQHBWB_files_full.zip/data/data/org.telegram.messenger/files/account2/cache4.db-wal : 0x24F2F (Size: 10485760 bytes)

Forwarded

From: 5589503112 NB932 (owner)

Hello. Everyone the last Galleria was nuked. I am making another one. Unfortunately we can't use stickers or anything anymore because we have a stalker who is Nuking our groups. But the good news is I will never stop making them. And we will always be here. Come on in and join and get a step closer to the sauce. Here is where I will post links to sauce. As well as the Karen Mafias Kitchen <https://t.me/lucugalleria123>

Attachments:



Size: 0

Path: <https://t.me/lucugalleria123>

(Empty File)

Status: Read

Label: Forwarded

4/15/2023 3:00:03 PM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

ZY22GQHBWB_files_full.zip/data/data/org.telegram.messenger/files/account2/cache4.db : 0x1385B8B (Size: 51171328 bytes)

From: 5899200136 Colt Moss
shit man how come youre not making me an admin

Status: Read
4/15/2023 4:10:45 PM(UTC-4)

Source Extraction:

File System (Full)

Source Info:

ZY22GQHBWB_files_full.zip/data/data/org.telegram.messenger/files/account2/cache4.db : 0x1385D9F (Size: 51171328 bytes)
ZY22GQHBWB_files_full.zip/data/data/org.telegram.messenger/files/account2/cache4.db-wal : 0x24F2F (Size: 10485760 bytes)

UNITED STATES DISTRICT COURT

for the

Southern District of Iowa

United States of America)

v.)

Philip Colt Moss)

Defendant)

Case No. 4:24-mj-00374-HCA-1

Charging District's

Case No. 1:24-cr-66-DRC

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the Southern District of Ohio,
 (if applicable) _____ division. The defendant may need an interpreter for this language:
 _____.

The defendant: ☐ will retain an attorney.
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: August 16, 2024



Judge's signature

William P. Kelly, U.S. Magistrate Judge

Printed name and title